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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/414,415    03/31/95    MATYJASZEWSKI    K    524-2296-0X

CHENG, K. EXAMINER

15M2/0503  
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ART UNIT	PAPER NUMBER
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1505    6

DATE MAILED: 05/03/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined    ☒ Responsive to communication filed on 3-31-95    ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 30 month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                   |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-23 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☐ Claims \_\_\_\_\_ are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☒ Claims 1-23 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received.  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

**Art Unit: 1505**

**1. Restriction to one of the following inventions is required under 35 U.S.C. 121:**

**Group I. Claims 1-14 and 21-24, drawn to a process of polymerization, classified in Class 526, subclass 145.**

**Group II. Claims 15-20, drawn to a copolymer, classified in Class 526, subclass 329.7.**

**The inventions are distinct, each from the other because of the following reasons:**

**2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case, the product as claimed can be made by a materially different process such as polymerizing the monomers with benzoyl peroxide as the initiator.**

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**3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.**

**4. Claim 1 is generic to a plurality of disclosed patentably distinct species comprising many different processes. Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species, even though this requirement is traversed.**

**Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.**

**5. Claim 15 is generic to a plurality of disclosed patentably distinct species comprising many different copolymers. Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species, even though this requirement is traversed.**

**Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner**

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**finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.**

**The applicants are required to elect an ultimate species such as one of the examples and to list the claims readable on the elected ultimate species.**

**6. A telephone call was made to Mr. Stan Miller on April 3, 1996 to request an oral election to the above restriction requirement, but did not result in an election being made.**

**Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.**

**7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. C. Cheng whose telephone number is (703) 308-2351.**

*WCC*

**W. C. Cheng  
May 1, 1996**

*Joseph L. Schofer*

**JOSEPH L. SCHOFFER  
SUPERVISORY PATENT EXAMINER  
ART UNIT 155**